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MARVELL SEMICONDUCTOR, INC., Creditor

12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**
15

16 In re
17 JASMINE NETWORKS, INC.
18 Debtor.

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20 JASMINE NETWORKS, INC.,
Debtor in Possession,

21 Plaintiff,

22 v.

23 MARVELL SEMICONDUCTOR,
24 INC., a California corporation,

25 Defendant.
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Case No. 02-54815-MM
Chapter: 11

Adversary Proceeding No. 06-05195

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO DISMISS
JASMINE'S COMPLAINT**

Date: January 12, 2007
Time: 11:30 a.m.
Room: 3070
Judge: Hon. Marilyn Morgan

1 Pursuant to Rule 201 of the Federal Rules of Evidence, Creditor Marvell Semiconductor,
2 Inc. ("Marvell"), respectfully requests that the Court take judicial notice of the following
3 documents in connection with its Motion to Dismiss Jasmine's Complaint. In addition to the
4 documents attached hereto, Marvell further requests that the Court take judicial notice of
5 documents on file with the Court, citations to which are noted in the Memorandum of Points and
6 Authorities by docket number.

7 1. Ruling on Request for Preliminary Injunction, filed in *Jasmine Networks, Inc. v.*
8 *Marvell Semiconductor, Inc., et al.*, with the Santa Clara County Superior Court, bearing Case
9 No. 1-01-CV-801411, on December 5, 2001; Order Granting Defendant Marvell Semiconductor,
10 Inc.'s (1) Application for Preliminary Injunction, (2) Motion to Seal, (3) Motion to Strike, filed in
11 *Jasmine Networks, Inc. v. Marvell Semiconductor, Inc., et al.*, with the Santa Clara County
12 Superior Court, bearing Case No. 1-01-CV-801411, on December 28, 2001; Order Granting
13 Defendant Marvell Semiconductor, Inc.'s (1) Application for Preliminary Injunction, (2) Motion
14 to Seal, (3) Motion to Strike, filed in *Jasmine Networks, Inc. v. Marvell Semiconductor, Inc., et*
15 *al.*, with the Santa Clara County Superior Court, bearing Case No. 1-01-CV-801411, on January
16 7, 2002. True and correct copies are attached hereto as Exhibit 1.

17 2. Order denying petition for writ of prohibition/mandate of other appropriate relief
18 and motion to unseal, filed in *Jasmine Networks, Inc. and Michael W. Malter v. Superior Court of*
19 *California, County of Santa Clara*, with the California Court of Appeal, Sixth Appellate District,
20 bearing Case No. H029864, on April 13, 2006. A true and correct copy is attached as Exhibit 2.

21 3. Order denying petition for review, filed in *Jasmine Networks, Inc. and Michael W.*
22 *Malter v. Superior Court of California, County of Santa Clara*, with the Supreme Court of
23 California, bearing Case No. S142907, on June 21, 2006. A true and correct copy is attached
24 hereto as Exhibit 3.

25 4. Transcript of Proceedings for Motion for Order Approving Overbid Procedures
26 and Related Matters Re Right to Become the Majority Stockholder of the Reorganized Company
27 Through the Debtor's Plan of Reorganization, *In re: Jasmine Networks, Inc., Debtor*, U.S.
28 Bankruptcy Court, Northern District of California, San Jose Division, Case No. 02-54815-MM,

1 dated July 14, 2006. A true and correct copy is attached hereto as Exhibit 4.

2 5. Letter by Peter G. Bertrand to Santa Clara Superior Court, Judge Huber Re
3 Marvell acquiescing to the dismissal of the contempt proceeding, filed in *Jasmine Networks, Inc.*
4 *v. Marvell Semiconductor, Inc., et al.*, with the Santa Clara County Superior Court, bearing Case
5 No. 1-01-CV-801411, dated November 28, 2006. A true and correct copy is attached hereto as
6 Exhibit 5.

7 6. Order re: (1) Jasmine's Motion for Judgment on Pleadings; (2) Jasmine's MIL #1
8 re McKeown Declaration; (3) Jasmine's MIL#2 re Koenig Declaration; (4) Jasmine MIL #3 re:
9 Marvell Exhibits; (5) Jasmine's MIL#4 re Timberline Communications; (6) Jasmine's Motion to
10 Quash Notices of Appearance; (7) Marvell's MIL#1 re Julia O' Shea; (8) Marvell's MIL #2 re
11 Marvell Counsel's As Witness; (9) Marvell's MIL#3 re 5/6/05 Bankruptcy Transcripts; (10)
12 Marvell's MIL #4 re Legal Advice after 4/29/05; (11) Marvell's MIL #5 re Kramer Declaration;
13 (12) Marvell's MIL#6 re Court of Appeals Opinion; (13) Marvell's MIL#7 re Stipulated
14 Protective Order; (14) Marvell's MIL #8 re "Figure 7", filed in *Jasmine Networks, Inc. v. Marvell*
15 *Semiconductor, Inc., et al.*, with the Santa Clara County Superior Court, bearing Case No. 1-01-
16 CV-801411, entered on January 3, 200[6]. A true and correct copy is attached as Exhibit 6.

17 DATED: December 4, 2006

18 BUCHALTER NEMER
A Professional Corporation

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20 By: /s/ Robert E. Izmirian
Robert E. Izmirian
21 Attorneys for MARVELL SEMICONDUCTOR,
INC.
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